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***UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA***

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCELINO LARA, SR.,

Defendant.

**2:15-mj-0587-GWF**

**STIPULATION TO CONTINUE  
PRELIMINARY HEARING**

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, District of Nevada, and Kathryn Newman, Assistant United States Attorney, and Rene L. Valladares, Federal Public Defender, and Raquel Lazo, Assistant Federal Public Defender, counsel for Macelino Lara, Sr., that the preliminary hearing currently scheduled for May 17, 2016, at 4:30 p.m., be vacated and set to a date and time that is convenient to this Court but no sooner than forty-five (45) days.

The Stipulation is entered into for the following reasons:

1. The parties are currently involved in negotiations, which may resolve the case. The defense counsel has not yet had an opportunity to review the case and meet with her client.
2. The defendant is not in custody and does not oppose the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete the necessary research and discuss resolution options with her client prior to indictment or a preliminary hearing.

4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare, taking into account the exercise of due diligence. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under Section 3161(h)(7)(B).

6. This is the first request for a continuance of the Preliminary Hearing.

DATED: May 6, 2016.  
RENE L. VALLADARES  
Federal Public Defender

DANIEL G. BOGDEN  
United States Attorney

*/s/ Raquel Lazo*  
By \_\_\_\_\_  
Raquel Lazo  
Assistant Federal Public Defender

*/s/ Kathryn C. Newman*  
By \_\_\_\_\_  
Kathryn C. Newman  
Assistant United States Attorney

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCELINO LARA, SR.,

Defendant.

Case No. 2:15-mj-587-GWF

**FINDINGS OF FACT, CONCLUSIONS OF**  
**LAW, AND ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties are currently involved in negotiations, which may resolve the case. The defense counsel has not yet had an opportunity to review the case and meet with her client.
2. The defendant is not in custody and does not oppose the continuance.
3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete the necessary research and discuss resolution options with her client prior to indictment or a preliminary hearing.
4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare, taking into account the exercise of due diligence. Additionally, denial of this request for a continuance could result in a miscarriage of justice.
5. The additional time requested by this stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.  
2 § 3161(h)(7)(A), considering the factors under Section 3161(h)(7)(B).

3 6. This is the first request for a continuance of the Preliminary Hearing.

4 For all of the above-stated reasons, the ends of justice would best be served by a continuance  
5 of the Preliminary Hearing.

6 **CONCLUSIONS OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interest of the  
8 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely  
9 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
10 within which to be able to effectively and thoroughly prepare for a preliminary hearing, taking into  
11 account the exercise of due diligence.

12 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
13 States Code, Section 3161(h)(7) and Title 18, United States Code, Section 3161(h)(7)(A), when  
14 considering the facts under Title 18, United States Code, Sections 3161(h)(7)(B), 3161(h)(7)(B)(i),  
and 3161(h)(7)(B)(iv).

15 **ORDER**

16 IT IS FURTHER ORDERED that the Preliminary Hearing currently scheduled for May 17,  
17 2016, at 4:30 p.m. be vacated and continued to July 5, 2016 at 4:00 p.m.

18 DATED 9th day of May, 2016.

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UNITED STATES MAGISTRATE JUDGE